

ASSEMBLY BILL

No. 1343

Introduced by Assembly Member Spitzer

February 21, 2003

An act to amend Sections 12509 and 12660 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1343, as introduced, Spitzer. Vehicles: instruction permits.

Existing law authorizes the Department of Motor Vehicles to issue an instruction permit to a physically and mentally qualified person who applies for the permit, is age 15 years or over, and is enrolled in an approved driver education course and at the same time or during the same semester enrolled in an approved driver training course.

This bill would delete the authority to issue the instruction permit under the above described circumstances.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12509 of the Vehicle Code is amended
2 to read:
3 12509. (a) Except as otherwise provided in subdivision (f) of
4 Section 12514, the department, for good cause, may issue an
5 instruction permit to any physically and mentally qualified person
6 who meets one of the following requirements and who applies to
7 the department for an instruction permit:

(1) Is age 15 years and 6 months or over and has successfully completed approved courses in automobile driver education and driver training as provided in paragraph (3) of subdivision (a) of Section 12814.6.

(2) Is age 15 years and 6 months or over and has successfully completed an approved course in automobile driver education and is taking driver training as provided in paragraph (3) of subdivision (a) of Section 12814.6.

~~(3) Is age 15 years or over and is enrolled in an approved driver education course and is at the same time or during the same semester enrolled in an approved driver training course.~~

~~(4) Is over the age of 17 years and 6 months.~~

~~(5) —~~

(4) Is over the age of 16 years and is applying for a restricted driver's license pursuant to Section 12814.7.

(b) The applicant shall qualify for and be issued an instruction permit within 12 months from the date of the application.

(c) An instruction permit issued pursuant to subdivision (a) shall entitle the applicant to operate a vehicle, subject to the limitations imposed by this section and any other provisions of law, upon the highways for a period not exceeding 24 months from the date of the application.

(d) Except as provided in Section 12814.6, any person, while having in his or her immediate possession a valid permit issued pursuant to paragraphs (1) to ~~(4)~~ (3), inclusive, of subdivision (a), may operate a motor vehicle, other than a motorcycle or a motorized bicycle, when accompanied by, and under the immediate supervision of, a California licensed driver with a valid license of the appropriate class, 18 years of age or over whose driving privilege is not on probation. Except as provided in subdivision (e), an accompanying licensed driver at all times shall occupy a position within the driver's compartment that would enable the accompanying licensed driver to assist the person in controlling the vehicle as may be necessary to avoid a collision and to provide immediate guidance in the safe operation of the vehicle.

(e) Any person while having in his or her immediate possession a valid permit issued pursuant to paragraphs (1) to ~~(4)~~ (3), inclusive, of subdivision (a), who is age 15 years and 6 months or over and who has successfully completed approved courses in automobile education and driver training as provided in paragraph

1 (3) of subdivision (a) of Section 12814.6, and any person while
 2 having in his or her immediate possession a valid permit issued
 3 pursuant to subdivision (a) who is age 17 years and 6 months or
 4 over, may, in addition to operating a motor vehicle pursuant to
 5 subdivision (d), also operate a motorcycle or a motorized bicycle,
 6 except that the person shall not operate a motorcycle or a
 7 motorized bicycle during hours of darkness, shall stay off any
 8 freeways that have full control of access and no crossings at grade
 9 and shall not carry any passenger except an instructor licensed
 10 under Chapter 1 (commencing with Section 11100) of Division 5
 11 of this code or a qualified instructor as defined in Section 18252.2
 12 of the Education Code.

13 (f) Any person while having in his or her immediate possession
 14 a valid permit issued pursuant to paragraph ~~(5)~~ (4) of subdivision
 15 (a), may only operate a government-owned motor vehicle, other
 16 than a motorcycle or a motorized bicycle, when taking the driver
 17 training instruction administered by the California National Guard
 18 as required by paragraph (2) of subdivision (a) of Section 21814.7.

19 (g) The department may also issue an instruction permit to a
 20 person who has been issued a valid driver's license to authorize the
 21 person to obtain driver training instruction and to practice that
 22 instruction in order to obtain another class of driver's license or an
 23 endorsement.

24 (h) The department may further restrict permits issued under
 25 subdivision (a) as it may determine to be appropriate to assure the
 26 safe operation of a motor vehicle by the permittee.

27 SEC. 2. Section 12660 of the Vehicle Code is amended to
 28 read:

29 12660. (a) The department may establish a program
 30 authorizing a driving school licensed ~~pursuant to~~ *under* Chapter 1
 31 (commencing with Section 11100) of Division 5 to issue a student
 32 license to operate a class 3 vehicle to any applicant 15 years of age
 33 or older, subject to the conditions specified in subdivision (d).

34 (b) The department may charge any driving school
 35 participating in the program a fee not to exceed two dollars (\$2)
 36 per applicant to recover the department's cost in establishing and
 37 monitoring the program. The fee that a participating school may
 38 charge an applicant for a student license may not exceed the fee
 39 ~~which~~ *that* the department charges the school for the license.

1 (c) The department may remove a driving school from the
2 program if the department determines that the school has issued a
3 student license fraudulently, or has otherwise not followed the
4 requirements of the program. This fraudulent conduct may result
5 in cause for suspension or revocation of the driving school license.

6 (d) (1) Applicants shall meet the qualification standards
7 specified in regulations adopted by the department pursuant to
8 Section 12661. The student license application shall be
9 accompanied by a statement signed by the parents or guardian, or
10 person having custody of the minor, consenting to the issuance of
11 a student license to the applicant.

12 (2) No licensed driving school ~~shall~~ *may* issue a student license
13 to any applicant under the age of 17 years and six months unless
14 that applicant shows ~~either proof of enrollment in, or~~ satisfactory
15 completion of, an approved course in driver education, pursuant
16 to standards specified in paragraph (4) of subdivision (a) of
17 Section 12814.6.

18 (e) A driving school owner or an independent instructor
19 licensed under Section 11105.5 shall maintain liability insurance
20 for bodily injury or property damage caused by the use of a motor
21 vehicle in driving instruction, and for the liability of the driving
22 school, the instructor, and the student, in accordance with Section
23 11103.

24 (f) The department shall submit a report to the Legislature on
25 the progress of the program established ~~pursuant to~~ *under*
26 subdivision (a) within two years after the program is implemented.
27 The report shall include, but not be limited to, an analysis of the
28 costs and benefits of the program and shall include
29 recommendations by the department.

30 (g) The director may terminate the program at any time the
31 department determines that continued operation of the program
32 would have an adverse effect on traffic safety. The finding upon
33 which the termination is based shall be reported to the Legislature
34 within 30 days following termination of the program.

